

REMARKS

This is in response to the Office Action dated December 29, 2008. With this response, the specification is amended; claims 1, 3, 5, 7, 9, 10 and 15 are amended; claims 2, 6 and 16 are cancelled and all pending claims 1, 3-5, 7-15 and 17 are presented for reconsideration and favorable action.

In the Office Action, the specification was objected to. The specification has been amended and it is believed that the objection may be withdrawn.

In the Office Action, claims 5-9 and 10-14 were objected to. Those claims have been amended and it is believed the objection may be withdrawn.

Claims 1-9 were rejected by 35 § U.S.C. 102 based upon Hildebrandt US4203517. However, it is believed that these claims are patentably distinct from that reference. With this response, claim 1 has been amended to state that the exhausting portion includes bending portions for use in selectively separating the inner cap body. This is not shown by Hildebrandt.

Further, independent claim 5 has been amended to state that the inner cap body is coupled to the falling space in the lower end of the storage chamber is opened when the cap main body is moved away from the lid. This is not shown by Hildebrandt.

Regarding claim 7, this claim has been amended to clarify that the lower end of the storage chamber is open when the storage member slides in the direction away from the inner cap body and the inner cap body remains coupled to the falling space. This is not shown by the Hildebrandt reference.

Claims 10-12 and 14 were rejected under 35 § U.S.C. 103 based upon US2002/0020636 to Bergamini et al. However, these claims have been amended and it is believed they are patentably distinct from the Bergamini reference.

Independent claim 10 has been amended to state that the movement of the outer cap body away from the lid causes cutting of the cutting plate and thereby opens the storage chamber to the container. In contrast, the Bergamini reference shows a downward movement of element 66 into the chamber 26. Therefore, the rejection should be withdrawn.

Claims 16-17 were rejected under 35 § U.S.C. 103 based on Hildebrandt in view of Goncalves US4386696. Amended independent claim 15 states there are exhausting pieces which contact the edge of the inner cap inserted in the lower end of the storage tube. These exhausting pieces are coupled to the lid and extend into the container. This is not shown by the Hildebrandt and Goncalves references. Goncalves shows pieces 37 which are coupled to the cap and which are configured to abut the container. Thus, the combination of Hildebrandt and Goncalves would provide a configuration in which additional portions are added to the cap which are used to assist in removal of the inner cap.

As the independent claims all contain elements which are not shown or suggested by the cited references, it is believed that the present application is in condition for allowance. Reconsideration and favorable action are respectfully requested.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment, including the Office Action's characterizations of the art, does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation. Applicant reserves the right to prosecute the rejection claims in further prosecution of this or related applications.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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